

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

<b>RUSSELL GEISSLER, BERNARD</b>	)	
<b>BAGLEY, AND WILLIE JAMES</b>	)	Case No.: 4:17-cv-01746-MBS
<b>JACKSON, individually and on behalf of</b>	)	
<i>others similarly situated,</i>	)	
	)	<b>STIPULATION AND ORDER</b>
Plaintiff,	)	<b>FOR CLASS CERTIFICATION</b>
	)	
v.	)	
	)	
<b>BRYAN P. STIRLING</b> , Director of the South	)	
Carolina Department of Corrections (SCDC), <i>in</i>	)	
<i>his official capacity; and JOHN B. MCREE,</i>	)	
<b>M.D.</b> , Division Director of Health and	)	
Professional Services for SCDC, <i>in his individual</i>	)	
<i>capacity,</i>	)	
	)	
Defendants.	)	
	)	

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**WHEREAS**, Plaintiffs filed the Third Amended Complaint in this action on August 21, 2018, alleging, in part, that Defendant Stirling violated the United States Constitution by failing to properly test SCDC inmates for chronic Hepatitis C (HCV) and a proposed class of plaintiff SCDC inmates; and

**WHEREAS**, no admission or finding of liability has been made; and

**WHEREAS**, the parties have agreed to the following terms to certify a plaintiff class for settlement of the HCV testing claim;

**IT IS HEREBY STIPULATED**, by and between the undersigned, as follows:

1. The Court, upon stipulation by the parties hereto, may order the certification, pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure, the following plaintiff class:

“All current and future inmates in SCDC custody, with the exception of inmates who have already been diagnosed with chronic HCV.”

2. The plaintiff class is so numerous that joinder of all members is impracticable.

3. There are questions of law or fact common to the class.
4. The claims or defenses of Plaintiffs Geissler and Bagley, as representative plaintiffs, are typical of the claims or defenses of the class.
5. Plaintiffs Geissler and Bagley will fairly and adequately protect the interest of the class.
6. Plaintiffs allege that Defendant Stirling has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.
7. This Stipulation and Order is solely for the purpose of resolving class certification as to the testing issues raised in Plaintiffs' Third Amended Complaint and is without prejudice to the parties' legal and equitable rights and defenses in this action or certification relating to the treatment issues raised in Plaintiffs' Third Amended Complaint.

**[REST OF PAGE INTENTIONALLY BLANK]**

Dated: November 12, 2018  
Charleston, South Carolina

**YARBOROUGH APPLEGATE LLC**

s/ Christopher J. Bryant

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*ATTORNEYS FOR PLAINTIFFS*

\* admitted *pro hac vice*

**SO ORDERED:**

December 6, 2018  
Charleston, SC

**AIKEN, BRIDGES, ELLIOTT, TYLER &  
SALEEBY, P.A.**

s/Samuel F. Arthur, III

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*ATTORNEYS FOR DEFENDANT*

s/Margaret B. Seymour  
Hon. Margaret B. Seymour  
Senior United States District Judge